

## Frequently Asked Questions

### National Parks and Commercial Filming and Still Photography

6-22-2012

---

#### **Q. What is the legal authority to issue permits for commercial filming and still photography?**

*A. On May 26, 2000 [Public Law 106-206](#) was enacted. The law applies to agencies in the Departments of the Interior and Agriculture and establishes criteria for issuing permits for commercial filming and certain still photography activities. The law is currently codified at 16 U.S.C.460l-6d (that's a lower case "L")*

#### **Q. Is there a regulation governing commercial filming and still photography permitting in the NPS?**

*The regulations at 36 CFR 5.5 and 43 CFR part 5 have been superseded by Public Law 106-206. The NPS has issued internal guidance implementing the law while new regulations are being promulgated.*

#### **Q. When will the new regulations take effect?**

*A: The new regulation at 43 CFR part 5 will apply to the NPS, the Fish & Wildlife Service and the Bureau of Land Management. A draft regulation was published for public comment in the Federal Register on August 20, 2007. The agencies hope to finalize the regulation by mid-2013.*

#### **Q. Does the law require permits for commercial filming?**

*A: Public Law 106-206 and NPS guidance require that all commercial filming requires a permit. The draft regulation uses the following definition:*

Commercial filming means the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience with the intent of generating income. Examples include, but are not limited to, feature film, videography, television broadcast, or documentary, or other similar projects. Commercial filming activities may include the advertisement of a product or service, or the use of actors, models, sets, or props.

#### **Q. When does still photography require a permit?**

*A: Most still photography will not require a permit. Still photography activities require a permit only if:*

- The still photography activity uses models, sets or props
- The still photography activity takes place in an area where or when members of the public are not allowed
- The agency would incur costs for providing on-site management and oversight to protect agency resources and minimize visitor use conflicts.

*For the purposes of NPS guidance a portrait subject is not considered a model. Examples of portrait subjects include, but are not limited to, wedding parties, high school/college graduates. But photography involving portrait subjects may require a permit if it also includes the use of props or sets, or is conducted in an area closed to the public, or needs to*

*be managed by NPS personnel.*

**Q. Does commercial still photography require a permit?**

*A: Not unless it meets one of the conditions mentioned previously requiring a still photography permit. Public Law 106-206 bases the permit requirements for still photography on whether the activity will interfere with other park visitors and park activities or impact park resources; not whether the photographer is a professional.*

**Q. What fees and charges are authorized by Public Law 106-206?**

*A: Public Law 106-206 directs the agencies to collect a reasonable fee (location fee) to provide a fair return for the use of the land and cost recovery. These fees and charges **may not** be waived. The location fee is determined from a [schedule](#) based on type of activity, number of people and number of days in the park.*

**Q. What is the location fee used for?**

*A. 80% of the location fees collected is returned to the park to be spent according to the provisions of the original fee demonstration program. [Guidance](#) is found on Inside NPS.*

**Q. Does aerial commercial filming and still photography activities require a permit?**

*A. Aerial commercial filming and still photography activities would require a permit only if they landed in the park, or if they staged an activity in the park that was being filmed or photographed from the air. The Federal Aviation Administration (FAA) has sole authority to control airspace of the U.S. and the activity falls under their jurisdiction.*

**Q. Is the use of unmanned aerial aircraft (UAS) allowed within parks for commercial filming and still photography?**

*A. Most parks have denied permits to use UAS for aerial commercial filming and still photography activities due to the potential for unacceptable visual and noise impacts, possible resource damage, and concerns of the vehicle crashing in inaccessible areas.*

*UAS are subject to FAA regulation and currently are not authorized for use by private, commercial companies. The FAA is currently working on new regulations to cover the private use of UAS. If you have questions about the use of a UAS in a park contact the WASO Special Park Uses Program manager, or the [FAA Unmanned Aircraft Program office](#). The FAA web site has a FAQ page on UAS.*